

CENTRAL VALLEY FLOOD PROTECTION BOARD

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December 3, 2010

Mr. Joseph Grindstaff
Interim Executive Officer
Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, California 95814

Dear Mr. Grindstaff:

Thank you for requesting the Central Valley Flood Protection Board's (Board) input for developing the Delta Plan. As you have listed in your September 9, 2010 letter, the Sacramento-San Joaquin Delta Reform Act of 2009 requires that the Board provide its recommendations to the Delta Stewardship Council (Council) relating to future investments in the Delta levees. Also, the Sacramento-San Joaquin Delta Reform Act directs the Department of Water Resources (DWR), in consultation with the U.S. Army Corps of Engineers (Corps) and the Board, to prepare and submit a proposal to coordinate flood and water supply operations of the State Water Project (SWP) and the federal Central Valley Project (CVP) for the Council's consideration and incorporation into the Delta Plan.

The Board supports the important process initiated by the legislature and the Governor to achieve coequal goals of providing more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. Our Board is committed to assist the Delta Stewardship Council in protecting the Sacramento-San Joaquin Delta and the critical role it serves in the water supply for millions of Californians, as well as its unique ecosystem and way of life.

The Board is not involved with flood and water supply operations of the CVP or the SWP. Those roles belong to the U.S. Bureau of Reclamation (USBR) and DWR's Division of Operations & Maintenance, respectively. The Board does work closely with DWR Flood Management to ensure that the Board's operational interests are represented as DWR, USBR and the Corps work together to develop a coordinated operations plan. For the purposes of this letter, we will provide you with our priorities for State investment in the Delta levees, but let USBR and DWR develop the proposal to coordinate flood and water supply operations of the SWP and CVP projects.

DWR has a Special Projects program under its Delta Subventions Program. The Board has already approved the Procedures and Criteria for the Delta Subventions Program. I trust that you will continue to work diligently with DWR for the continued success of the Special Projects Program as well.

You should also be aware of DWR's ongoing process to produce a Central Valley Flood Protection Plan for submittal to our Board in 2012. The Delta Regional Management Actions Work Group plans to release a draft Management Actions Report in early December and I

believe the DSC would benefit from being familiarized with this report as a supplement to the Flood Risk White Paper presented to the Council in October.

Our Board, in cooperation with other federal and State agencies, has jurisdiction over the State Plan of Flood Control along the Sacramento and San Joaquin Rivers and their tributaries. The Board maintains the integrity of the existing flood control system and designated floodways through its regulatory permitting that applies to all encroachments and alterations.

The Board will place a high priority on working with the Council and DWR to take advantage of early opportunities to develop the Delta Plan. Any plan developed for the Delta must be a comprehensive plan that provides for a secure, sustainable, reliable water supply not just for Southern California, but for the four million Californians who reside in and around the Delta. A comprehensive Delta Plan must include increased support for flood control and maintenance of levees in the Delta, provide for the restoration of the Delta's ecosystem and the health of species native to the Delta, and sustain the communities and the economy of the Delta, most notably agriculture and recreation. Finally, a comprehensive Delta plan must be based on validated and peer-reviewed science and represent and include an equal voice from local government in any new governance structures, if established, for the Delta, and will protect and affirm water right priorities and area-of-origin protections established under state law.

The Board also has a commitment to the stewardship of Central Valley river systems. Such stewardship includes maintaining critical habitat and populations of many federal and state listed threatened and endangered fish, wildlife, and plant species that are important to the economic and social well being of the citizens of California. The Delta is an important part of the ecosystem that supports these species and maintaining and restoring critical habitats should be a parallel commitment of the Board. Commitments to habitat protection and restoration in many cases will also provide flood control benefits. The Board encourages emphasis on those programs and actions in the Delta Plan where there is such overlap in flood control and species recovery goals.

The State, through the Board, shares in the costs of construction, assumes responsibility for ensuring the operation and maintenance of the facilities, and holds the federal government harmless from liability. For the Board's flood management projects, the Board delegates operation and maintenance to DWR or local flood control and levee-maintaining agencies.

The Board has the responsibility for oversight of the entire Central Valley flood management system. Its jurisdiction extends through 14 counties, and comprises 1.7 million acres along the most flood-prone portions of the Sacramento and San Joaquin Rivers. The Board's jurisdiction includes Delta islands and levees, but is limited to flood protection and public safety in these areas. Specific features of the existing system under the Board's jurisdiction are identified in the recently released *State Plan of Flood Control Descriptive Document*.

Before responding to your specific request, it is important to note, for your consideration, the implications of 2007 flood legislation, which effectively established a new paradigm for flood management in the Central Valley. Two extremely important elements of that legislation that have substantial implications for the Stewardship Councils efforts are:

1. In approving new urban areas, Cities and Counties are now required to develop and implement projects that will provide 200-year flood protection for the new development.
2. The State will take the lead in flood management planning and prepare a comprehensive plan for flood control in the Central Valley (Central Valley Flood Protection Plan, CVFPP). The plan will be updated every five years. DWR is preparing the first plan and will present it for the Board's approval in June of 2012.

Specifically, these provisions mean that the existing flood system is going to be modified significantly over the next 20 years. The modifications to the system are likely to increase the flow rate and volume of floodwater that must pass through the Delta. Since the CVFPP is still in preparation and the changes are not yet quantified, we therefore suggest the Council, DWR, and the Board task their staffs with the responsibility of developing a plan for close collaboration during the development of the new Delta Plan so that both existing and future flood control measures are reflected in the new Delta Plan. That plan should be reviewed and approved by the Commission, the Board, and the Director of Water Resources.

In light of the above, we have developed a list of documents that perhaps exceeds your request for those related to emergency response policy and procedure, but which we believe will guide and shape both flood and Delta Protection planning efforts and should therefore be considered in developing the new Delta Plan.

Key studies/reports/documents on flood/levee/emergency response issues:

- *State-Federal Flood Operations Center Flood Emergency Operations Manual*
- *CA Emergency Management Agency Standardized Emergency Management System (SEMS) Guidelines*
- *Department of Water Resources Delta Emergency Operations Plan*

Existing documents relating to “priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and non-project levees” or recommendations about how such policy should be developed:

- *Guidelines for the Delta Subventions Program*
- *Guidelines for the Special Projects*
- *CAL FED BAY- DELTA PROGRAM Long-term Levee Protection Plan*
- *Delta Multi Hazard Coordination Task Force Emergency Preparedness Recommendations*

Documents that may have significant implications on future flood plans and policies and implications for the Delta:

- *Central Valley Flood Protection Plan Interim Progress Summary No. 1*
- *State Plan of Flood Control Descriptive Document*
- *Standard Operation and Maintenance Manual for the Sacramento River Flood Control Project*
- *Standard Operation and Maintenance Manual for the Lower San Joaquin River Levees, Lower San Joaquin River and Tributaries Project, California*

The Board supports investment in the following areas to reduce flood risk in the Delta:

1. Reducing the fragility of the levees (Special Projects and Delta Subventions Program)
2. Improving levee maintenance
3. Improving through-Delta conveyance
4. Development of a south Delta flood bypass that would allow flood flows on the San Joaquin River to be diverted into a bypass system thereby reducing the flood risk for communities of Manteca, Lathrop and Stockton

Furthermore, the Bay Delta Habitat Conservation Plan (BDHCP) proposes to establish habitat in the lower bypass and alter bypass operation so that it is flooded more frequently. Careful collaboration is necessary if the BDHCP provisions will be an element of the new Delta Plan so that the BDHCP modifications can be favorably considered when submitted for permitting by this Board. We would appreciate your timely response to our question as to whether or not the BDHCP is going to be part of the new Delta plan and how the Commission will exercise authority over that plan.

Key staff persons in charge of this information who will serve as primary contacts on behalf of the Board:

Mr. Len Marino, Chief Engineer, (916) 574-0608; lmario@water.ca.gov

Mr. Dan Fua, Chief of the Flood Improvement Branch, (916) 574-0698; dfua@water.ca.gov

If you have further questions regarding this subject, please call me at (916) 574-0609, or your staff may contact Len Marino, Chief Engineer, at (916) 574-0608 or by e-mail at lmario@water.ca.gov.

Sincerely,

Jay S. Punia, P.E.
Executive Officer